



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2900 FAX (603) 271-2456



July 22, 2002

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY  
No. WMD 02-24**

Mr. Donald Smith  
Henley Enterprises, Inc.  
888 Worcester St., Suite 80  
Wellesley, MA 02482

**RE: Valvoline Instant Oil Change # 14, Derry, NH  
EPA ID No. NHD 986468684**

Dear Mr. Smith

On April 3, 2002, the Department of Environmental Services (DES) conducted a multi-media partial inspection of Valvoline Instant Oil Change #14, (Valvoline) located in Derry, New Hampshire. The purpose of the inspection was to determine Valvoline's general compliance with environmental standards across several media: air, water and hazardous waste. The hazardous waste portion of the inspection focused on the physical storage and handling of hazardous waste and served to determine Valvoline's compliance status with RSA 147-A and its implementing regulations, the New Hampshire Hazardous Waste Rules ("Rules") codified as Env-Wm 100-1100).

We appreciate your efforts to comply with the requirements for hazardous waste generators. Please keep in mind that no formal evaluation of the pertinent administrative plans and documents, which may include general inspection requirements for your hazardous waste storage areas, personnel training program, contingency plan, manifest requirements or other record keeping requirements, took place during the inspection. Valvoline will need to ensure their compliance with all other applicable Hazardous Waste Rules.

As a result of the inspection, the following deficiencies were documented in your hazardous waste management program which need to be corrected:

1. Env-Wm 807.06(b)(4) – Standards for Generators of Used Oil Being Recycled – Container Label

At the time of the inspection, one (1) 5-gallon container of used oil, located near the filter crusher, was not labeled with the words "Used Oil for Recycle".

Env-Wm 807.06(b)(4) requires generators of used oil to label all containers and tanks which store used oil destined for recycle with the words "Used Oil for Recycle".

DES requests that Valvoline label all containers and tanks of used oil destined for recycle with the words "Used Oil for Recycle".

2. Env-Wm 807.06(b)(5) – Standards for Generators of Used Oil Being Recycled – Open Containers

At the time of the inspection, two (2) tanks and one (1) 5-gallon container storing used oil destined for recycle were not closed.

Env-Wm 807.06(b)(5) requires that used oil be placed in containers or tanks that remain closed at all times, except to add or remove waste.

DES requests that Valvoline keep containers storing used oil closed, unless they are in the process of adding or removing waste.

3 Env-Wm 807.06(b)(6) – Standards for Generators of Used Oil Being Recycled – Oil Spillage

At the time of the inspection, the following conditions were noted at the facility:

- a. Significant used oil spillage was noted on the floor and work surfaces of the facility (see Appendix I., photos # 1 and # 2). Several puddles were noted on the basement floor, including one located over a crack in the floor. This crack was identified as a significant potential outlet to groundwater in a previous site review.
- b. According to facility personnel, daily maintenance includes hosing down the floors and collecting the oil/water/sludge/debris mix in a small basement sump, where it is subsequently pumped into a holding tank for disposal. Floor sweepings were visible on top of the used oil storage tanks in the basement (see photos # 3 and # 4). This process further distributes spilled oil in the basement, and results in more puddles which can seep through cracks.
- c. Large drain pans on rails are used to directly collect used oil removed from the customer's vehicles. These drain pans showed evidence of spillage, as did the adjacent work surfaces (see photo # 5). Additionally, it was noted that, although an effective system of "quick-connect" hoses are used to drain used oil directly from the pans into the used oil tanks, employees have to push the pans down the rails to reach the hoses. This increases the potential for used oil sloshing out of the drain pans in the move.
- d. A sheet metal trough system is located under the employee catwalk to collect inadvertent spillage from reaching the floor. The used oil is collected in these troughs and drain into 5-gallon buckets located at the ends of the troughs. According to the facility manager, these buckets are emptied daily. At the time of the inspection, at 11:00 a.m., it was noted that the buckets in the area where most work was done were approximately 2" to 3" below full (see photo # 6). Based on the amount of used oil being accumulated, this system appears to be relied upon as a primary method of collection, not as a contingency for a spill.

Env-Wm 807.06(b)(6) requires that all containers and tanks be maintained and operated so as to prevent spillage, seepage or other discharge of used oil into storm or sanitary sewers, onto the land, or into ground or surface waters.

DES requests that Valvoline manage its used oil in a manner which would not result in a release to the environment. At a minimum, Valvoline will need to:

Ensure that employees are using the proper equipment (such as sheet metal splash containment) to ensure that oil is contained during the maintenance process;

2. Ensure that all containers used to capture incidental spillage are emptied immediately after the spillage is collected, and that the containers are not used for storage;
3. Modify the design of the spill containment trough by capping the ends and adding valves, such that captured oil contained in the trough can be manually removed;

4. Extend the plumbing/hose from the used oil storage tanks to the vehicle drain pans to reduce the amount of movement necessary on the rail system;
5. Use an alternative method of cleaning spilled oil, such as application of dry sorbents, rather than hosing down the floors; and
6. Seal the concrete floors such that spilled oil cannot penetrate cracks in the concrete floor.

Used oil is regulated as a listed hazardous waste in New Hampshire, subject to the management standards of Env-Wm 500 of the Rules. However, if the used oil is destined for recycling (i.e., by re-refining or burning for energy recovery) it may be managed under the less stringent standards of Env-Wm 807. The unsatisfactory used oil management conditions noted at the Valvoline facility indicate that some of the used oil generated on-site is not managed as a used oil to be recycled, but rather as a waste being disposed. As such, if Valvoline continues to manage its used oil in the manner observed, Valvoline would additionally be subject to the provisions described in Env-Wm 500 of the Rules. The additional provisions of Env-Wm 500 include, but are not limited to: hazardous waste labeling, formal personnel training, development of a formal hazardous waste contingency plan, formal recorded daily inspections of tanks, and shipment of the used oil on a hazardous waste manifest.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by Valvoline can be submitted within thirty (30) days of receipt of this letter. Supporting documentation describing the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Valvoline, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during subsequent inspections of your facility.

The written report as requested above should be addressed as follows:

Kenneth W. Marschner, Administrator  
DES/WMD  
6 Hazen Drive  
Concord, New Hampshire 03301-6509

Enclosed please find the Multi-Media Partial Inspection Checklist to assist you in assessing the noted violations. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

For your information, a current, full set of the State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at

<http://www.des.state.nh.us/hwcs>

or by contacting the Public Information and Permitting Section at (603)271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that DES's Pollution

Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff are available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets on specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Tim Prospert or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section, at 271-2942. Specific questions on water related issues, may be directed to Sharon Ducharme of the DES's Water Division at 271-3908, and for air related issues, please contact Pam Monroe of the DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,



Kenneth W. Marschner, Administrator  
Waste Management Programs  
Waste Management Division

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RCRA/DB/LOD/ARCHIVE

cc: Philip J. O'Brien, Ph.D., Director, WMD  
Gretchen Rule, Esq., DES Enforcement Coordinator  
Al Merrill, Facility Manager, Valvoline Instant Oil Change # 14, 50 Crystal Ave., Derry, NH 03038  
Robert Mackey, Code Enforcement Director, Town of Derry, 40 Fordway, Derry NH, 03038

e-mail: Stephanie D'Agostino, DES Pollution Prevention Coordinator  
Sharon Ducharme, DES/WD  
Pam Monroe, DES/ARD  
Bill Evans, DES/ORCB  
Cheryl McGary, DES/SIS

Enclosures: Multi-Media Partial Inspection Checklist  
Appendix I: Photographs of the Facility